UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-7,10 and 20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-3,5-7,10,20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/2/08,10/2/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

    a. This action is taken in response to amendments and remarks filed on 10/2/2008.

    b. Claims 1-3, 5-7, 10, and 20 are pending in this Office Action. Claims 1, 6, 20 are

       amended and claim 8 is canceled. Claims 1 and 20 are independent claims.

Claim Objections

Claims 1 and 20 are objected to because of the following informalities: Claim 1 recites

the limitation "***said strings***". There is insufficient antecedent basis for the limitation in the claim.

Similar informality exists in claim 20. Appropriate correction is required.

Double Patenting

       The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

       A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

       Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 7, and 20 are <u>provisionally</u> rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1, 7, 8, and 16 of

copending Application No. **12/133,612**.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because they are substantially similar in scope and they use the same limitations.

The following table shows the claims in Instant Application that are rejected by

corresponding claim(s) in **12/133,612**.

Instant Application	Application 12/133,612
1. An electronic device comprising: at least one output device for emitting a plurality of different signals; a microcomputer for processing a plurality of calendar appointments within a calendar application; said microcomputer further configured for processing a plurality of applications; said microcomputer configured to maintain a plurality of profiles; each of said calendar appointment configured to have a different profile associated therewith; each of said profiles associated with all of said applications; each of said applications within each of said profiles having a plurality of notification behaviours; each of said notification behaviours having an identical set of parameters for each of said applications; each of said notifications behaviours uniquely configurable for each said application and each said profile; said microcomputer configured to maintain a profile settings application; said profile settings application configured to receive user input for setting said notification behaviours for each of said applications for each said profile; said profile settings application including a profile string marcher; said profile string	1. An electronic device for receiving live communications comprising: a microcomputer configured to execute an application for scheduling a calendar event; said calendar event having a notification profile associated therewith; said microcomputer further configured to process said notification profile to determine whether to accept a live communication during said scheduled calendar event; said microcomputer further arranged to execute a separate notification profile settings application to enable a user to associate with said calendar event a notification criterion; said notification criterion including a string of text that is established by a user;

Instant Application	**Application 12/133,612**
matcher configured to comprise a string of text and associate said string of text with one of said profiles; wherein at least one of said calendar appointments is configured to have a profile associated therewith based on one of said strings of text within said profile string matcher; said microcomputer configured to derive one of said notification behaviours when one of said applications executes during one of said plurality of calendar appointments; said notification behaviour derived from said profile; said microcomputer configured to cause said output device to emit one of said signals corresponding to said notification behaviour derived from said profile.	said notification criterion indicative of said notification profile associated with said calendar event; said notification profile being defined within said separate notification profile settings application; such that said notification profile is selected by said microcomputer based on said string of text appearing in said calendar event.
1. An electronic device comprising: at least one output device for emitting a plurality of different signals; a microcomputer for processing a plurality of calendar appointments within a calendar application; said microcomputer further configured for processing a plurality of applications; said microcomputer configured to maintain a plurality of profiles; each of said calendar appointment configured to have a different profile associated therewith; each of said profiles associated with all of said applications; each of said applications within each of said profiles having a plurality of notification behaviours; each of said notification behaviours having an identical set of parameters for each of said applications; each of said notifications behaviours uniquely configurable for each said application and each said profile; said microcomputer configured to maintain a profile settings application; said profile settings application configured to receive user input for setting said notification behaviours for each of said applications for each said profile;said profile settings application including a profile string marcher;	7. An electronic device for receiving live communications comprising: a microcomputer configured to execute all application for scheduling a calendar event; said calendar event having a notification profile associated therewith; said microcomputer further configured to processing said notification profile to determine whether to accept a live communication during said scheduled calendar event; said microcomputer further arranged to execute a separate notification profile settings application to enable a user to associate with said calendar event a notification criterion; said notification criterion indicative of said notification profile associated with said calendar event; said notification profile being defined within said separate notification profile settings application; wherein if said live

Instant Application	Application 12/133,612
said profile string matcher configured to comprise a string of text and associate said string of text with one of said profiles; wherein at least one of said calendar appointments is configured to have a profile associated therewith based on one of said strings of text within said profile string matcher; said microcomputer configured to derive one of said notification behaviours when one of said applications executes during one of said plurality of calendar appointments; said notification behaviour derived from said profile; said microcomputer configured to cause said output device to emit one of said signals corresponding to said notification behaviour derived from said profile. 7. The electronic device of claim 1 wherein said electronic device includes functionality of a telephone and one of said plurality of applications is a receipt of a telephone call	communication is not accepted during said scheduled calendar event then said communication is directed to a message application; wherein said microcomputer is operable to execute said voicemail application and said electronic device includes a storage device for storing said communication when said communication is directed to said voicemail application
Claim 1	Claim 8, 16 (similar to claim 1)
Claim 20	Claim 1, 8, 16 (similar to claim 1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-7, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Parker et al. (US Patent Application Publication 2002/0116541, hereinafter Parker) in view

of Heinonen et al. (US Patent 6,633,758, hereinafter Heinonen) and further in view of Gallant

(US Patent Application Publication 2002/0165969).

As to claim 1, Parker discloses an electronic device (Figure 1) comprising:

at least one output device for emitting a plurality of different signals (Figure 1, paragraph

[0023], lines 4-9, sound, LED light, vibration);

a microcomputer (Figure 2, paragraph [0026], computer) for processing a plurality of

calendar appointments within a calendar application (paragraph [0006], appointment reminders,

paragraph [0020], lines 16-20, calendar events, paragraph [0051], calendar-type application

capable of storing appointments and other calendar-related item); said microcomputer further

configured for executing a plurality of applications (paragraph [0031], applications, paragraph

[0002],[0057], appointment reminders, reception of email, notified of incoming telephone calls

and text messages, note: appointment reminders, reception of email, call,.. are treated and

handled by different applications, see also Heinonen, column 6, lines 58-60, the user may

configure <u>different applications</u> with the user's own parameter values to better fit the user's needs

in each operational mode); said microcomputer configured to maintain a plurality of profiles

(Fig. 1, 114, paragraph [0024], notification modes/profiles) ; each of said calendar appointment

configured to have a different profile associated therewith (paragraph [0010], [0020], [0053],

customized notification mode in response to events stored in an associated calendar application);

each of said profiles associated with all of said applications (paragraph [0056], [0057, profiles

maintain a listing of the various type of notification events, e.g., key presses, reminders, wireless

communication signals, phone calls, text messages, etc, it is known that reminders, phone calls,

text messages are associated with different applications); each of said applications within each of

said profiles having a plurality of notification behaviours (Figures 5-7, 9, paragraph [0003],

audio, LED, messages, vibration); each of said notification behaviours having an identical set of

parameters for each of said applications (Figure 4, Table 1, paragraph [0035], parameters such as

Volume, Sound Files, Notification Type); each of said notifications behaviours uniquely

configurable for each said profile (Figures 4-7, [0020], each profile may be configured to provide

different types of notifications for a plurality of different types of notification-type events);

said microcomputer configured to maintain a profile settings application (Figs. 5-7,

settings); said profile settings application configured to receive user input for setting said

notification behaviours for each of said applications for each said profile (Figures 3-7, paragraph

[0020], [0033], [0034], each profile may be configured to provide different types of notifications

for a plurality of different types of notification-type events, Application program 302 is executed

to create or edit a notification profile);

said microcomputer configured to derive one of said notification behaviours when one of

said applications executes during one of said plurality of calendar appointments; said notification

behaviour derived from said profile (Figure 9, paragraph [0034]-[0035], Once the user chooses a

particular notification mode, the application program informs the operating system 304 of the

notification mode. Later, once a notification event occurs, the operating system 304 uses the

chosen notification mode to initiate user notifications);

said microcomputer configured to cause said output device to emit one of said signals corresponding to said notification behaviour derived from said profile (paragraph [0003], [0009], [0020], [0034], Once in a particular mode the device provides notifications according to that mode).

Parker discloses that profiles may be created that provide for certain notification types, such as sound, for only specific notification events, such as critical reminders (paragraph [0036]), but do not mention explicitly that each of said notification behaviours being uniquely configurable for each of said applications. However, it is known that message and reminder are handled by different applications.

Furthermore, Heinonen discloses each of said notification behaviours being uniquely configurable for each of said applications (Figure 2, items 8, 10, column 2, lines 14-17, setting application specific operational mode parameters in operational modes of communication devices, column 4, lines 41-50, column 5, lines 11-22, each application may have parameter settings that are customized for the application, column 6, lines 58 to column 7, line 12, user's own parameter values to better fit the user's needs in each operational mode. One useful example is sound, warning or alert tones).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Parker's disclosure to include application specific parameters as taught by Heinonen for the purpose of providing different operation parameters (like ring tone, ring volume, silence setting) to pass commands to the application according to parameters (column 2, lines 51-54, Heinonen). The skilled artisan would have been motivated to improve the invention

of Parker per the above such that notification behaviour can be further customized based on

application specific parameters (column 6, lines 21-42, Heinonen).

Parker does note explicitly disclose said profile settings application including a profile

string matcher; said profile string matcher configured to comprise a string of text and associate

said string of text with one of said profiles; wherein at least one of said calendar appointments is

configured to have a profile associated therewith based on one of said strings of text within said

profile string matcher. However, Park discloses "Alternatively, the user may set a predetermined

profile for all appointments of a particular type, e.g., busy, out of office, tentative, free, etc.

Therefore, <u>the user does not have to manually set a profile for each appointment individually</u>, but

can <u>set a profile based on the type of appointment in a global manner</u>. In such a case, the device

automatically enters profile switching mode once an appointment of a <u>predetermined type</u>

begins" (Figures 4-8, paragraph [0036], [0054]), i.e. based on the type of appointment, such as

meeting, out of office, profile will be set based on the type of appointment, It is obvious that

when different types of appointment are associated with predefined profiles, a mapping and/or

matching is required to determine the associated profile.

Furthermore, Gallant discloses said profile settings application including a profile string

matcher (Fig. 3, paragraph [0015]-[0016], a resolving function (or a simple look-up table) for

matching character strings to user profiles); said profile string matcher configured to comprise a

string of text and associate said string of text with one of said profiles (Fig. 3, paragraph [0015]-

[0016], many character strings to map to the same profile); wherein at least one of said calendar

appointments is configured to have a profile associated therewith based on one of said strings of

text within said profile string matcher (Fig. 3, Fig. 4, 406, 408, 410, paragraph [0073]-[0077],

The alias provided in the request is compared to values in the USERID field of Alias Table 300.

If a record is found wherein the USERID matches the requested party identifier, then the SUBID

from the record is then used as an index to retrieve a particular profile from User Profile Table

320).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to combine the teachings of the cited references because Gallant's teaching would have

allowed Parker's to create a lookup table to set a profile based on the type of appointment in a

global manner.

As to claim 2, Parker discloses the electronic device of claim 1 wherein said device is

selected from the group consisting of a wireless personal digital assistant, a personal computer, a

cell telephone, and a smart telephone (small portable computing device, laptop, notebook,

paragraph [0001], [0002],[0025]).

As to claim 3, Parker discloses the electronic device of claim 1 wherein said signals are

selected from the group consisting of audible (Figure 5, item 108, paragraph [0020], lines 6-7),

mechanical (paragraph [0023], lines 7-8) and visual signals (Figure 5, item 110, paragraph

[0020], lines 6-7).

As to claim 5, Parker discloses the electronic device of claim 1 wherein said applications

is a receipt of an electronic message (email, paragraph [0002], lines 14-18, paragraph [0036])

and said signal identifies said receipt (paragraph [0036]).

As to claim 6, Parker discloses the electronic device of claim 1 wherein said applications is a daily alarm and said signal identifies said alarm (critical reminder, paragraph [0036]).

As to claim 7, Parker discloses the electronic device of claim 1 wherein said electronic device includes functionality of a telephone (paragraph [0057]) and one of said plurality of applications is a receipt of a telephone call (paragraph [0036]).

As to claim 10, Parker discloses the method of claim 1 wherein said output devices include a flashing LED output device for emitting a visual signal (alert by light, Figure 1, item 110, Figure 7, item 706) and a speaker for emitting an audible signal (alert by sound, Figure 1, item 108).

As to claim 20, has the similar subject matter as of claim 1 and as such rejected under the same rationale. Furthermore, Parker discloses a computer-readable storage medium containing a set of instructions (paragraph [0011], [0028], [0032])

Response to Amendment and Remarks

Applicant's amendments and remarks have been fully and carefully considered.

Applicant argues that "…nowhere in Parker, including the cited references Figs. 4-8, paragraphs [0036] & [0056], satisfies the element, "said profile settings application includes a profile string matcher; said profile string matcher configured to permit a user to predefine a string of text and associate said string of text with one of said profiles; wherein each said

calendar appointment is configured to have a profile associated therewith based on one of said

strings of text within said profile string matcher", as recited by pending claim 8.", because

"Paragraph [0036] describes the type of profile that can be created in Parker. Paragraph [0054]

discloses that the software could support automatic profile switching by associating an

appointment with a particular profile. Figs 4-7 illustrate the method to populate the profiles."

The Examiner respectfully disagrees.

First, claim 8 recites "permit a user to predefine" suggest or make an option to perform a

function but does not require steps to be performed or does not limit a claim to a particular

structure and does not limit the scope of a claim or claim limitation, or merely states an inherent

results are not given weight. See MPEP 2106.

Second, as admitted by applicant, Parker discloses the cited limitations as "the software

could support automatic profile switching by associating an appointment with a particular

profile" which is consistent with instant application that appointment "meeting" is associated

with the profile "Quiet" and appointment "home" is associated with profile "Loud".

Third, applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies (i.e., *permit a user to predefine*

a string) are not recited in the newly amended claims 1 and 20. Instead, claims 1 and 20 recite

"*comprise a string*". Upon further search the Examiner has found the prior art reference of

Gallant for the amended limitations. Refer to the corresponding sections of the claim analysis for

details.

For the above reasons, it is believed that the rejections should be sustained.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office

Action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The

examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shew-Fen Lin /S. L./
Examiner, Art Unit 2166
December 10, 2008

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166